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OFFICE OF PETITIONS

In re Patent No. 7,592,477

Swinnen et al.

Issue Date: September 22, 2009

Application No. 10/501,344

Filed: January 26, 2005

Atty Docket No. 255452US0PCT

DECISION ON REQUEST

: FOR

: RECONSIDERATION OF

PATENT TERM ADJUSTMENT

· and

: NOTICE OF INTENT TO ISSUE

: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 20, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and twenty-two (922) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred and twenty-three (923) days is **GRANTED to the extent indicated** herein.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on July 30, 2007<sup>1</sup> (not July 29, 2007) and ends on February

<sup>&</sup>lt;sup>1</sup> This is an international application for which the B delay is calculated based on the date of national stage commencement. See 1.702(b). The

3, 2009, the day before the RCE was filed (not February 4, 2009, the day on which the RCE was filed), which amounts to 555 (not 554) days. See U.S.C. 154(b)(1)(B)(i). Considering the agreed period of overlap of 110 days, the patent term adjustment is increased by 445 days to 923, not 922 days.

The Office will sua sponte issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given one (1) month or thirty (30) days, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by nine hundred and twenty-three (923) days.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Peditions Attorney

Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

## UNITED STATES PATENT AND TRADEMARK OFFICE **CERTIFICATE OF CORRECTION**

**PATENT** 

: 7,592,477 B2

DATED

September 22, 2009

**DRAFT** 

INVENTOR(S): Swinnen et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 478 days

Delete the phrase "by 478 days" and insert – by 923 days--